

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :

Plaintiff, :

v. : Civil Action No.

METAL MASTERS FOODSERVICE
EQUIPMENT COMPANY, INC., :

Defendant. :

**NOTICE OF LODGING OF PROPOSED CONSENT DECREE
PENDING SOLICITATION OF PUBLIC COMMENT**

The United States has filed a Complaint, pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“CERCLA”), 42 U.S.C. § 9607(a), for reimbursement from Metal Masters Foodservice and Equipment Company, Inc. of response costs incurred by the United States in connection with property known as the Tyler Site located at 655 Glenwood Avenue in Smyrna, Delaware.

The United States hereby notifies the Court that, contemporaneous with the filing of the Complaint, the United lodged a proposed Consent Decree for the above referenced matter that would resolve all claims of the United States set forth in the Complaint.

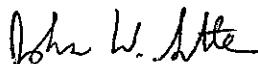
The Court is respectfully requested to refrain from signing the Consent Decree at this time. As indicated in Section 27, Paragraph XV of the Consent Decree, and as provided by CERCLA Section 122(d)(2), 42 U.S.C. § 9622(d)(2), and the policy of the Department of Justice, 28 C.F.R. Part 50.7, final approval and entry of the Decree is subject to public notice and

comment.

The Department of Justice will publish in the Federal Register a notice that the proposed Consent Decree has been lodged with the Court. The Notice will solicit public comment for a period of 30 days. During the comment period, no action is required of the Court. If the United States is not compelled to withdraw its consent to this Decree based on the public comments, it shall notify the Clerk's Office and request that the Consent Decree be signed and entered by the Court.

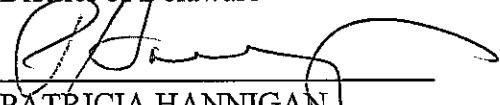
Respectfully submitted,

KELLY A. JOHNSON
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